

## **REMARKS**

### **Rejections under 35 U.S.C. § 102**

Claims 40-47, 50-56, and 59 stand rejected as being anticipated by Solovyov. Applicant respectfully traverses. In addition, Applicant submits herewith a Declaration under 37 C.F.R. § 1.131 to remove Solovyov as a reference. The Declaration states that the present invention had already been conceived and reduced to practice before the publication date of Solovyov. Applicant also submits herewith a Declaration under 37 C.F.R. § 1.132 executed by the undersigned for the purpose of establishing the publication date of Solovyov. Applicant submits that claims 40-47, 50-56, and 59 are patentable in view of Solovyov.

### **Rejections under 35 U.S.C. § 103**

Claims 60-62, 48-49, and 57-58 stand rejected under 35 U.S.C. 103 as being obvious in view of various combinations of Solovyov and Iijima. Applicant respectfully disagrees. In addition, Applicant submits that the Declaration discussed above removes Solovyov as a prior art reference. Applicant further submits that neither Iijima nor Solovyov discloses or renders obvious the subject matter of the invention either individually or in combination. Applicant submits that claims 60-62, 48-49, and 57-58 are patentable in view of Solovyov and Iijima, whether considered separately or in combination.

### **Double Patenting Rejections**

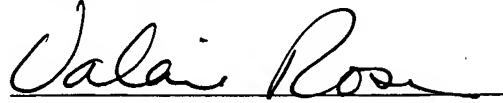
Claims 40-62 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 40-63 of copending U.S. Patent Application No. 10/194,561. Applicant respectfully disagrees. Nonetheless, in the interests of advancing the application to allowance, a terminal disclaimer is submitted herewith.

### **Election/Restriction**

The Examiner has required restriction to one of groups I, claims 40-62, and II, claims 63-84. Applicant affirms the election of Group I with traverse. Applicant submits that claims 63 and 64 depend from claim 1 and properly belong in Group I.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Valarie B. Rosen", written over a horizontal line.

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